



Appeal Decision

Site Visit made on 10 August 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 15th September 2021

Appeal Ref: APP/P3610/W/21/3270934

DH Provisions, 3 Dell Lane, Stoneleigh KT17 2NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Abbott against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/00071/FUL, dated 15 January 2020, was refused by notice dated 9 December 2020.
 - The development proposed is demolition of existing building and the erection of a block of 9 apartments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of Nos 84 and 86 Briarwood Road with regard to outlook and privacy;
 - whether the proposed development would accord with the Council's development plan strategy for housing with regard to loss of employment use; and
 - whether any adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Reasons

Character and appearance

3. The site is located on a small street to the rear of the commercial units that front Stoneleigh Broadway to the north, a large commercial road running parallel to Dell Lane. To the side lies a single storey pitched building and a part single, part two storey building to the other side. Given the range of forms, use of fenestration and materials, the buildings along this side of the road generally have a varied character and appearance. However, given their modest scale and varied elevations they do not generally appear discordant. The commercial units fronting Stoneleigh Broadway are three storey buildings the rear

elevations of which consist largely of red brick and varied windows which result in a varied and characterful appearance.

4. The existing building is a single storey pitched building clad in brick and render. Given its height, form and materials, the building is in keeping with the varied character of the area.
5. The proposal would result in a three-storey building which would have a significantly larger massing than its immediate neighbours to either side. Given the massing of other buildings along the street, the massing and form of the building itself would not necessarily appear discordant in the area.
6. However, the front elevation would be dominated by a large two storey rectangular rendered panel with four windows. Given the varied character of the neighbouring buildings, the large, rendered panel would dominate the street scene resulting in a bland appearance that would be out of keeping with the character of the nearby buildings of Dell Lane and the more articulated rear elevations of the commercial units of Stoneleigh Broadway. While the proposed materials would reflect the varied materials in the area, the proportions of the large rendered panel would result in an awkward composition that would appear discordant and have an adverse effect on the character and appearance of the area. Moreover, this effect would be visible through the gap between the buildings of Stoneleigh Broadway as well as along Dell Lane.
7. The rear elevation would have a similar, large rendered panel that would appear out of keeping and would be visible from the dwellings to the rear of the site.
8. I acknowledge the scheme opposite the site which benefits from planning permission for a part single/ part three storey building. Construction did not appear to have begun at the time of my site visit. However, even if this scheme was built, the elevations would appear more articulated than the appeal scheme and the façade would appear less blank. As such, that proposal has not altered my finding on this main issue. I also note the development at land rear of No 72 Broadway. Since that development is sited at the corner of Dell Lane, it is not directly comparable to the appeal site in terms of character and appearance. In any event, each case must be determined on its individual merits.
9. I have considered the use of a condition to control the external materials. However, since any changes would be likely to significantly alter the appearance of the building, a condition would not be reasonable in this respect.
10. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies DM9 and DM10 of the Development Management Policies Document September 2015 (DMP) which seeks proposals that make a positive contribution to the Borough's visual character and appearance and incorporate principles of good design including design detailing of elevations among other things.

Living conditions

11. No 84 Briarwood Road (No 84) and No 86 Briarwood Road (No 86) are located to the rear of the site. The rear windows of the dwellings at these properties would be a significant distance from the proposed building such that the privacy of the occupiers within the buildings would not be unduly affected by

the scheme. However, given the proximity of the proposed building to the rear boundary, future occupiers residing on the first and second floors would gain views at close proximity into large parts of the rear gardens of Nos 84 and 86 from their living room, balcony and bedroom window. Therefore, the proposal would result in unacceptable harm to the living conditions of neighbouring occupiers.

12. I acknowledge concerns regarding harm to the outlook of the neighbouring occupiers of Nos 84 and 86. However, since there would continue to be outlook in other directions, there would not be undue harm in this respect.
13. Concerns regarding outlook and privacy were raised by the occupier of No 88 Briarwood Road. While the scheme would not be sited directly opposite the rear of this property, since the balconies of the first and second floor flats would project a distance forward of the rear elevations, future occupiers would be likely to gain views into the rear garden of No 88 at close proximity. Therefore, I also have reservations regarding the privacy of this neighbouring occupier.
14. Consequently, the proposed development would harm the living conditions of the neighbouring occupiers of Nos 84 and 86 with regard to privacy. Therefore, it would conflict with DMP Policy 10 which seeks, among other things, development that has regard to the amenities of neighbours including in terms of privacy.
15. Since DMP Policy DM9 relates to character, it is not directly relevant to this main issue.

Loss of employment use

16. Policy CS11 of the Core Strategy 2007 (CS) sets out the strategic employment areas and states that a cautious approach will be adopted to the losses of employment land elsewhere. DMP Policy DM 24 also resists the loss of employment space outside of existing employment policy areas except for a number of circumstances including where there is genuine evidence, including that the site has been marketed without success, that the site, as it stands, is no longer suitable for its existing or other employment uses.
17. The Marketing Report sets out that the site was marketed for 18 months without success. However, while I note the accessibility of the site and its planning history, there is little evidence to indicate that the site as it stands is no longer suitable for its existing or other employment uses. In addition, there is no evidence to indicate that a mixed-use development as sought by DMP Policy DM 24 has been explored.
18. Consequently, the proposed development would not accord with the Council's development plan strategy for housing with regard to loss of employment use. Therefore, it would conflict with DMP Policy DM 24 in this respect.

Planning balance

19. The Council cannot demonstrate a five-year housing land supply and from the evidence the figure lies in the region of one year representing a significant shortfall. As such, the tilted balance in the terms of paragraph 11d) of the National Planning Policy Framework (Framework) is engaged.

20. Since the proposal would result in unacceptable harm to the character and appearance of the area and undue harm to the privacy of neighbouring occupiers, these harms carry significant weight against the scheme. While I am mindful of the loss of employment use, this is offset to some degree by the extant permission for the conversion to a single dwelling. Notwithstanding this, given the harm identified, the proposal would conflict with the development plan as a whole.
21. The proposal would contribute nine dwellings to the local housing supply. In addition, future occupiers would provide social and economic benefits through their contribution to the local community and there would be temporary economic benefits during the construction phase. Given the number of units proposed, I attribute moderate weight to these benefits.
22. Consequently, given the significant harm identified, the adverse effects of the scheme would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Other Matters

23. I acknowledge concerns regarding the living conditions of the neighbouring occupiers of the first floor flat at the adjacent temple building. Given the evidence and my observations during the site visit, a number of the rooms are single aspect with the window facing the side of the site. Given the height of the proposal and the proximity to the boundary, it appears likely that the scheme would significantly diminish the levels of light reaching the spaces and would adversely affect the outlook of the occupiers. I also acknowledge local concerns regarding flooding and parking. In any event, since I am dismissing the appeal for other reasons, these matters have not altered my overall decision.

Conclusion

24. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR